

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

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IN RE: BLUE CROSS BLUE SHIELD  
ANTITRUST LITIGATION  
(MDL No. 2406)

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**Master File No. 2:13-CV-20000-RDP**

This document relates to all cases.

**JOINT STATUS REPORT REGARDING  
STATUS OF PENDING MOTIONS TO DISMISS**

Pursuant to the Court's June 18 Order [Dkt. No. 205], the Parties hereby jointly submit this status report to inform the Court that they have conferred and agree that all pending issues raised by Defendants' motions to dismiss should be decided on the basis of the parties' written submissions without any additional oral argument. These remaining issues consist of the following:

- The Providers' per se claim related to the BlueCard program (Brief in Supp. of Defs. Motion to Dismiss [Dkt. No. 120] at Section II.B);
- The allegations of the product and geographic market, and market power allegations in support of Subscribers' antitrust claims (Brief in Supp. of Defs. Motion to Dismiss [Dkt. No. 120] at Section III; Supp. Brief in Supp. of Defs. Motion to Dismiss [Dkt. No. 115] at Section I);
- The Subscribers' claims for unjust enrichment (Supp. Brief in Supp. of Defs. Motion to Dismiss [Dkt. No. 115] at Section III);
- The Subscribers' claims for unfair competition (Supp. Brief in Supp. of Defs. Motion to Dismiss [Dkt. No. 115] at Section IV);
- The Subscribers' claims relating to "most-favored nations" provisions (Supp. Brief in Supp. of Defs. Motion to Dismiss [Dkt. No. 115] at Section V);

- The Subscribers' claims based on an alleged unlawful agreement among certain plans operating in Pennsylvania (Supp. Brief in Supp. of Defs. Motion to Dismiss [Dkt. No. 115] at Section VI); and
- The inclusion of certain named plaintiffs (Supp. Brief in Supp. of Defs. Motion to Dismiss [Dkt. No. 115] at Section VII).

In addition, although the Court's June 18 Order denied the motions to dismiss for lack of personal jurisdiction and improper venue filed by certain defendants [Dkt. Nos. 107, 113, 119, 121, 122, 125, and 135] without prejudice, the Court stated in its Memorandum Opinion that these motions "will likely require further briefing." [Dkt. No. 29]. Defendants request guidance from the Court on how to proceed on these motions.

The parties will await the Court's resolution of these issues, or any guidance on further action that would assist the Court.

Dated: July 15, 2014

Respectfully submitted,

/s/ Barry A. Ragsdale

Barry A. Ragsdale  
SIROTE & PERMUTT  
2311 Highland Avenue South  
Birmingham, AL 35205  
Tel: (205) 930-5114  
Fax: (205) 212-2932  
bragsdale@Sirote.com

*Plaintiffs' Liaison Counsel*

Edith M. Kallas  
WHATLEY KALLAS, LLP  
380 Madison Avenue, 23rd Floor  
New York, NY 10017  
Tel: (212) 447-7060  
Fax: (800) 922-4851  
ekallas@whatleykallas.com

Joe R. Whatley, Jr.  
W. Tucker Brown  
WHATLEY KALLAS, LLP  
2001 Park Place North  
1000 Park Place Tower  
Birmingham, AL 35203  
Tel: (205) 488-1200  
Fax: (800) 922-4851  
jwhatley@whatleykallas.com  
tbrown@whatleykallas.com

Patrick J. Sheehan  
WHATLEY KALLAS, LLP  
60 State Street, 7th Floor  
Boston, MA 02109  
Tel: (617) 573-5118  
Fax: (617) 573-5090  
psheehan@whatleykallas.com

/s/ Craig A. Hoover

Craig A. Hoover  
J. Robert Robertson  
E. Desmond Hogan  
HOGAN LOVELLS US LLP  
Columbia Square  
555 Thirteenth Street, NW  
Washington, DC 20004  
202-637-5600  
(fax) 202-637-5910  
craig.hoover@hoganlovells.com  
robby.robertson@hoganlovells.com  
desmond.hogan@hoganlovells.com

Emily M. Yinger  
N. Thomas Connally, III  
HOGAN LOVELLS US LLP  
Park Place II  
7930 Jones Branch Drive, Ninth Floor  
McLean, VA 22102  
703-610-6100  
(fax) 703-610-6200  
emily.yinger@hoganlovells.com  
tom.connally@hoganlovells.com

*Co-Coordinating Counsel for the Defendants*

/s/ David J. Zott, P.C.

David J. Zott, P.C.  
Daniel E. Laytin, P.C.  
KIRKLAND & ELLIS LLP  
300 North LaSalle  
Chicago, IL 60654  
312-862-2000  
(fax) 312-862-2200  
daniel.laytin@kirkland.com  
david.zott@kirkland.com

*Co-Coordinating Counsel for the Defendants*

Deborah J. Winegard  
WHATLEY KALLAS, LLP  
1068 Virginia Avenue, NE  
Atlanta, GA 30306  
Tel: (404) 607-8222  
Fax: (404) 607-8451  
dwinegard@whatleykallas.com

*Co-Lead Counsel for the Provider  
Plaintiffs*

David Boies  
BOIES, SCHILLER & FLEXNER LLP  
333 Main Street  
Armonk, NY 10504  
Tel: (914) 749-8200  
Fax: (914) 749-8200  
dboies@bsfllp.com

Michael Hausfeld  
HAUSFELD LLP  
1700 K Street NW, Suite 650  
Washington, DC 20006  
Tel: (202) 540-7200  
Fax: (202) 540-7201  
mhausfeld@hausfeldllp.com

*Co-Lead Counsel for the Subscriber  
Plaintiffs*

**Defense Counsel**

Cavender C. Kimble  
BALCH & BINGHAM LLP  
1901 6th Avenue N, Suite 1500  
Birmingham, AL 35203-4642  
205-226-3437  
(fax) 205-488-5860  
ckimble@balch.com

*With Hogan Lovells, counsel for Defendants Anthem, Inc.; Anthem Health Plans, Inc. (Anthem Blue Cross and Blue Shield of Connecticut); Blue Cross and Blue Shield of Georgia, Inc.; Anthem Insurance Companies, Inc. (Anthem Blue Cross and Blue Shield of Indiana); Anthem Health Plans of Maine, Inc.; HMO Missouri, Inc. (Anthem Blue Cross and Blue Shield of Missouri); Anthem Health Plans of New Hampshire, Inc. (Anthem Blue Cross and Blue Shield of New Hampshire); Anthem Health Plans of Virginia, Inc. (Anthem Blue Cross and Blue Shield of Virginia Inc.); Blue Cross and Blue Shield of North Carolina, Inc.; Blue Cross and Blue Shield of Florida, Inc.; Louisiana Health Service & Indemnity Company (Blue Cross and Blue Shield of Louisiana); Blue Cross and Blue Shield of Massachusetts, Inc.; BCBSM, Inc. (Blue Cross and Blue Shield of Minnesota); Blue Cross and Blue Shield of South Carolina; Blue Cross and Blue Shield of Tennessee, Inc.; Hawaii Medical Service Association (Blue Cross and Blue Shield of Hawaii); Horizon Healthcare Services, Inc. (Horizon Blue Cross and Blue Shield of New Jersey); Wellmark of South Dakota, Inc. (Wellmark Blue Cross and Blue Shield of South Dakota); Wellmark, Inc. (Wellmark Blue Cross and Blue Shield of Iowa); WellPoint, Inc.; Blue Cross & Blue Shield of Rhode Island; Blue Cross and Blue Shield of Vermont; Anthem Holdings Corp. (Anthem Blue Cross and Blue Shield); Anthem Blue Cross Life*

*and Health Insurance Company; Anthem Health Plans of Kentucky, Inc.; Anthem Holdings Corp.; Anthem Life Insurance Company; RightChoice Managed Care, Inc.; Healthy Alliance Life Insurance Company; Blue Cross of California; Blue Cross of California Partnership Plan, Inc.; Blue Cross of Southern California; Blue Cross of Northern California; Rocky Mountain Hospital & Medical Service Inc. d/b/a Anthem Blue Cross Blue Shield of Colorado; Rocky Mountain Hospital & Medical Service Inc. d/b/a Anthem Blue Cross Blue Shield of Nevada; Empire BlueCross BlueShield (Empire HealthChoice Assurance, Inc.); Blue Cross Blue Shield of Wisconsin (Anthem Blue Cross Blue Shield of Wisconsin); Community Insurance Company as Anthem Blue Cross Blue Shield of Ohio; Cambia Health Solutions, Inc.; Regence Blue Shield of Idaho; Regence Blue Cross Blue Shield of Utah; Regence Blue Shield (in Washington); Regence Blue Cross Blue Shield of Oregon*

Kimberly R. West  
Mark M. Hogewood  
WALLACE JORDAN RATLIFF & BRANDT,  
LLC  
First Commercial Bank Building  
800 Shades Creek Parkway, Suite 400  
PO Box 530910  
Birmingham, AL 5253  
205-870-0555  
(fax) 205-871-7534  
kwest@wallacejordan.com  
mhogewood@wallacejordan.com

*Defendants' Liaison Counsel*

*With Kirkland & Ellis, counsel for Defendants, Blue Cross and Blue Shield Association; Health Care Service Corporation, an Illinois Mutual Legal Reserve Company, including its divisions Blue Cross and Blue Shield of Illinois, Blue Cross and*

*Blue Shield of Texas, Blue Cross and Blue Shield of New Mexico and Blue Cross and Blue Shield of Oklahoma; HCSC Insurance Services Company; GHS Health Maintenance Organization (BlueLincs HMO); GHS Property and Casualty Insurance Company; Highmark, Inc., Highmark Blue Cross Blue Shield West Virginia; Highmark Blue Cross and Blue Shield of Delaware; Blue Shield of California; California Physicians' Service d/b/a Blue Shield of California*

Carl S. Burkhalter  
James L. Priester  
MAYNARD COOPER & GALE PC  
1901 Sixth Avenue North  
2400 Regions Harbert Plaza  
Birmingham, AL 35203  
205-254-1000  
(fax) 205-254-1999  
cburkhalter@maynardcooper.com  
jpriester@maynardcooper.com

Pamela B. Slate  
Hill Hill Carter Franco Cole & Black, PC  
425 S. Perry Street  
Montgomery, AL 36104  
334-834-7600  
(fax) 334-386-4381  
pslate@hillhillcarter.com

*Counsel for Defendant Blue Cross Blue Shield of Alabama*

Gwendolyn C. Payton  
Erin M. Wilson  
LANE POWELL PC  
1420 Fifth Avenue, Suite 4200  
Seattle, WA 98101-2338  
206-223-7000  
(fax) 206-223-7107  
paytong@lanepowell.com  
wilsonem@lanepowell.com

J. Bentley Owens, III  
STARNES DAVIS FLORIE LLP  
100 Brookwood Place, 7th Floor  
Birmingham, AL 35259  
205-868-6000  
(fax) 205-868-6099  
jbo@starneslaw.com

*Counsel for Defendants Premera Blue Cross Blue  
Shield of Alaska and Premera Blue Cross of  
Washington*

Helen E. Witt  
Erica B. Zolner  
Jeffrey J. Zeiger  
KIRKLAND & ELLIS LLP  
300 North LaSalle Street  
Chicago, IL 60654  
312-862-2000  
(fax) 312-862-2200  
hwitt@kirkland.com  
erica.zolner@kirkland.com  
jzeiger@kirkland.com

*Counsel for Defendants Health Care Service  
Corporation, including its divisions Blue Cross and  
Blue Shield of Illinois, Blue Cross and Blue Shield  
of New Mexico, Blue Cross and Blue Shield of  
Oklahoma and Blue Cross and Blue Shield of  
Texas; Caring for Montanans, Inc., f/k/a Blue Cross  
and Blue Shield of Montana, Inc.; Highmark Health*



*Services, d/b/a Highmark Blue Cross Blue Shield  
and d/b/a Highmark Blue Shield; Highmark BCBSD  
Inc. d/b/a Highmark Blue Cross Blue Shield  
Delaware; Highmark West Virginia Inc. d/b/a  
Highmark Blue Cross Blue Shield West Virginia*

H. James Koch  
ARMBRECHT JACKSON LLP  
63 South Royal Street  
13th Floor, Riverview Plaza  
Mobile, AL 36602  
251-405-1300  
(fax) 251-432-6843  
hjk@ajlaw.com

Brian K. Norman  
SHAMOUN & NORMAN LLP  
1755 Wittington Place, Suite 200  
Dallas, TX 75234  
214-987-1745  
(fax) 214-521-9033  
bkn@snlegal.com

*Counsel for Defendants CareFirst of Maryland, Inc.  
and CareFirst BlueCross BlueShield d/b/a/ Group  
Hospitalization and Medical Services*

D. Bruce Hoffman  
Todd M. Stenerson  
HUNTON & WILLIAMS LLP  
2200 Pennsylvania Ave., NW  
Washington, DC 20037  
202-955-1500  
(fax) 202-778-2201  
bhoffman@hunton.com  
tstenerson@hunton.com

*Counsel for Defendant Blue Cross and Blue Shield  
of Michigan*

R. David Kaufman  
Cheri D. Green  
M. Patrick McDowell  
BRUNINI GRANTHAM GROWER & HEWES  
PLLC  
The Pinnacle Building, Suite 100  
190 East Capitol Street  
Jackson, MS 39201  
601-948-3101  
(fax) 601-960-6902  
dkaufman@brunini.com  
cgreen@brunini.com  
pmdowell@brunini.com

*Counsel for Defendant Blue Cross Blue Shield of  
Mississippi, A Mutual Insurance Company*

John W. Reis  
COZEN O'CONNOR  
301 S. College Street, Suite 2100  
Charlotte, NC 28202  
704-376-3400  
(fax) 704-334-3351  
jreis@cozen.com

Paul K. Leary  
Lezlie Madden  
COZEN O'CONNOR  
1900 Market Street  
Philadelphia, PA 19103  
215-665-6911  
(fax) 215-665-2013  
pleary@cozen.com  
lmadden@cozen.com

*Counsel for Defendant Blue Cross of Northeastern  
Pennsylvania*

John D. Briggs  
Rachel J. Adcox  
Kenina J. Lee  
AXINN VELTROP & HARKRIDER LLP  
950 F Street, NW  
7th Floor  
Washington, DC 20004  
202-912-4700  
(fax) 202-912-4701  
jdb@avhlaw.com  
rja@avhlaw.com  
kjl@avhlaw.com

Stephen A. Rowe  
Aaron G. McLeod  
ADAMS AND REESE LLP  
1901 6th Avenue North, Suite 3000  
Birmingham, AL 35203  
205-250-5000  
(fax) 205-250-5034  
steve.rowe@arlaw.com  
aaron.mcleod@arlaw.com

*Counsel for Defendant Independence Blue Cross*

Pedro Santiago-Rivera  
Rafael Escalera-Rodriguez  
REICHARD & ESCALERA  
255 Ponce De Leon Ave.  
MCS Plaza, Tenth Floor  
San Juan, Puerto Rico 00917-1913  
787-777-8888  
(fax) 787-765-4225  
santiagopedro@reichardescalera.com  
escalera@reichardescalera.com

*Counsel for Defendant Triple S - Salud, Inc.*

Edward S. Bloomberg  
PHILLIPS LYTLE LLP  
3400 HSBC Center  
Buffalo, NY 14203-2887  
716-847-7096  
(fax) 716-852-6100  
ebloomberg@phillipslytle.com

D. Keith Andress  
BAKER, DONELSON, BEARMAN, CALDWELL  
& BERKOWITZ, P.C.  
420 North 20th Street  
1600 Wells Fargo Tower  
Birmingham, AL 35203  
205-250-8367  
(fax) 205-488-3767  
kandress@bakerdonelson.com

*Counsel for Defendant Excellus BlueCross  
BlueShield of New York*

Michael A. Naranjo  
FOLEY & LARDNER LLP  
555 California Street, Suite 1700  
San Francisco, CA 94104-1520  
415-984-9847  
(fax) 415-434-4507  
mnaranjo@foley.com

Alan D. Rutenberg  
FOLEY & LARDNER LLP  
3000 K Street, N.W., Suite 600  
Washington, D.C. 20007-5109  
arutenberg@foley.com

*Counsel for Defendant US Able Mutual Insurance  
Company, d/b/a Arkansas Blue Cross and Blue  
Shield*

John M. Johnson  
Brian P. Kappel  
LIGHTFOOT FRANKLIN & WHITE LLC  
400 20th Street North  
Birmingham, AL 35203  
205-581-0716  
(fax) 205-380-9116  
jjohnson@lightfootlaw.com  
bkappel@lightfootlaw.com

Kathleen Taylor Sooy  
Tracy A. Roman  
Andrew D. Kaplan  
April N. Ross  
CROWELL AND MORING LLP  
1001 Pennsylvania Avenue, NW  
Washington, DC 20004  
202-624-2500  
(fax) 202-628-5116  
ksooy@crowell.com  
troman@crowell.com  
akaplan@crowell.com  
aross@crowell.com

*Counsel for Defendants Blue Cross Blue Shield of Arizona, Blue Cross and Blue Shield of Kansas City, Blue Cross and Blue Shield of Kansas, Inc., Blue Cross and Blue Shield of Nebraska, Blue Cross of Idaho Health Services, Inc., Blue Cross Blue Shield of North Dakota, Blue Cross Blue Shield of Wyoming, and HealthNow New York Inc.*

Mary C. St. John  
Charles L. Sweeris  
Law Department  
BLUE SHIELD OF CALIFORNIA  
50 Beale St.  
San Francisco, CA 94105  
Telephone: (415) 229-5107  
Fax: (415) 229-5343  
charles.sweeris@blueshieldca.com  
marcy.stjohn@blueshieldca.com

*Counsel for Defendant California Physicians' Service d/b/a Blue Shield of California*

Robert K. Spotswood  
Michael T. Sansbury  
Joshua K. Payne  
SPOTSWOOD SANSOM & SANBURY LLC  
One Federal Place  
1819 Fifth Avenue North, Suite 1050  
Birmingham, Alabama 35203  
Telephone: (205) 986-3620  
FAX: (205) 986-3639  
rks@spotswoodllc.com  
msansbury@spotswoodllc.com  
jpayne@spotswoodllc.com

*Counsel for Defendant Capital Blue Cross*

**CERTIFICATE OF SERVICE**

I hereby certify that on July 15, 2014, the foregoing was electronically filed with the Clerk of Court using the CM/ECF system which will send notification of such filing to all counsel of record.

/s/ Craig A. Hoover  
Craig A. Hoover